

Briefing for Bob Sussman: Cook Inlet NPDES General Permit Litigation
March 26, 2009

Purpose of Briefing

- Discuss Ninth Circuit Court of Appeals litigation involving challenge by environmental groups to EPA-issued general permit for oil and gas facilities in Cook Inlet, Alaska
- (b) (5)

Permit Background

- Region 10 reissued a NPDES general permit covering fifteen existing oil and gas facilities in Cook Inlet, Alaska, on May 25, 2007.
- Permit contains technology-based limits based on national regulation (effluent limitation guideline or “ELG”) for coastal oil and gas facilities. The ELG requires zero discharge for all facilities nationwide – except for those in Cook Inlet, which are subject to less stringent limits. In the past, certain environmental petitioners in this case have asked EPA to reconsider the Cook Inlet exemption; EPA has thus far declined to do so. (b) (5)
- Permit also contains additional revised water quality-based effluent limits (“WQBELs”) for certain pollutants where necessary to meet applicable State water quality standards. These limits are based on “mixing zones” established by the State (areas in which receiving water may exceed water quality criteria). The State-established mixing zones in this permit are larger than in the previous permit, thus some of the water quality-based limits in the reissued permit are less stringent than in the previous permit.
- Permit is currently in effect. Litigants have not moved for a stay of the permit.

Litigation Background

- Trustees for Alaska filed a petition for review on behalf of five environmental/ tribal groups.
- Industry groups also filed a petition for review. Through mediation, we settled the industry petition by agreeing to a permit modification; this case has been dismissed.
- (b) (5)
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